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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,798	08/21/2003	Philip Glen Miller	11096.105	7389
41434	7590	12/15/2005	EXAMINER	
PATTON BOGGS LLP 2550 M STREET NW WASHINGTON, DC 20037-1350			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,798	Applicant(s) MILLER ET AL.	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. PRODUCT BY PROCESS CLAIM:

“ The subject matter present is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.”

This policy applies to the limitations of claims 16, 27.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-10, 23-24, 26-27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanna (1984132).

Hanna shows an apparatus comprising a precast element (C, C'), securement structure (D), the precast element including a top surface including a flat portion a bottom surface including a flat portion, a first and second side surface surfaces extending from the top surface to the bottom surface, the first side surface of the precast element being non-parallel relative to the second side surface of the element, the element including a fire proof material, the securement structure is attached to the element and projects out of the top surface of the precast element, the flat portion of the top surface of the precast element being substantially parallel to the flat portion of the bottom surface of the element, the securement structure is configured to secure the element to an I-beam (A), the securement structure including a clamp (the end of part E), the securement structure is permanently attached to the precast element, the element is configured to serve as a screed guide (inherently capable of doing so), the element is configured to serve as a stay in

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place screed guide (inherently capable of doing so), the element including a chamfer (at the 45 degree angle shown), a plurality of precast elements, the fireproof material is applied between the plurality of precast element.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna in view of Asleson et al (1976595).

Hanna shows all the claimed limitations except for the material being concrete.

Hanna further discloses the material of parts C, C' being the same as material of part B'.

Asleson et al discloses a fireproof material for a beam (11) being concrete.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hanna's structure to show the material being concrete as taught by Asleson et al because concrete is a well known fire proof material for steel beam, and the material is readily available and cheap for construction.

5. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna in view of Asleson et al (1976595).

Hanna shows a system comprising a steel element (A), a precast element, one or more clamps (D), the one ore more clamps releasably secured the precast element to the steel element,

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the precast element serving as a leave in place screed (inherently capable of doing so) so as to apply insulating material to the steel element to protect the steel element from fire, the steel element including a beam/column (A), the one or more clamps being integrated to the insulating element, the steel element including a flange, the one or more clamps releasably secured the element to the flange of the steel element, the insulating material is poured, sprayed and/or troweled to protect the steel element from fire, the precast element including a chamfer, the precast element including a top surface including a flat portion, a bottom surface including a flat portion, the one or more clamps projects out of the top surface of the precast element, the precast element including first and second side surfaces extending from the top surface to the bottom surface, the first side surface being non-parallel with the second side surface, the top surface being substantially parallel with the bottom surface, the steel element being an I-shaped cross section,

Hanna does not show the precast element and the insulating material being concrete.

Hanna further discloses the material of parts C, C' being the same as material of part B'.

Asleson et al discloses a fireproof material for a beam (11) being concrete.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hanna's structure to show the precast element and the insulating material being concrete as taught by Asleson et al because concrete is a well known fire proof material for steel beam, and the material is readily available and cheap for construction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different beam/column construction device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

12/9/05

Dec. 11, 1934.

H. HANNA

1,984,132

PROTECTED STEEL STRUCTURE AND METHOD OF FORMING THE SAME

Filed July 30, 1932

